

REMARKS

Initially, it is noted that the Examiner has objected to the drawings due to applicant's alleged failure to identify certain axes recited in the claims. As previously indicated to the Examiner, the claims refer to no less than ten various potential axes. However, applicant has amended the specification, as well as, Figs. 4 and 12 in order to identify the axes recited in the claims. Replacement sheets and annotated sheets identifying such changes to the drawings in red are provided herewith. No new matter is provided.

The Examiner has rejected claims 1-2, 6-10 and 13-15 under 35 U.S.C. § 102(b) as being anticipated by Williams, U.S. Patent No. 2,808,189. In addition, claims 1-2, 4-10 and 13-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Reifers, U.S. Patent No. 3,135,445 and claims 1-2, 4-10 and 13-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Emery, U.S. Patent No. 2,783,879. Finally, the Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over the Reifers '445 patent. Applicant has amended the claims to more particularly define the invention for which protection is sought. For the reasons hereinafter noted, it is now believed that the pending claims clearly define over the cited references and as such, are in proper form for allowance.

Claim 1 defines a support structure for supporting an object. Based upon the Examiner's application of the cited references, it appears that the Examiner is unclear as to the scope of the pending claims. Consequently, applicant offers the following summary of independent claim 1 with characters added for clarity. By way of example, referring to Figs. 3-10, the support structure 50 includes an elongated member extending along a

longitudinal axis 51 and having first and second sides 52 and 54, respectively, and first and second edges 56 and 58, respectively. A first set of ribs 68 projecting from the first side 52 of the elongated member and corresponding to a first set of depressions in the second side 54 of the elongated member. The first set of ribs 68 includes first and second ribs axially spaced from each other and from corresponding edges 56 and 58, respectively, of the elongated member along an axis transverse to the longitudinal axis. A second set of ribs 88 projecting from the first side of the elongated member at a location axially spaced from the first set of ribs so as to define an object receiving cradle 132 therebetween. The second set of ribs including first and second ribs axially spaced from each other along a second axis transverse to the longitudinal axis of the elongated member. A first rib 126 projects from the second side 54 of the elongated member and corresponds to a first depression 130 in the first side 52 of the elongated member between the first and second ribs of the first set of ribs 68. A second rib 122 projects from the second side 54 of the elongated member at a location axially spaced from the first rib 126 projecting from the second side of the elongated member so as to define a second side object receiving cradle 138 therebetween. The second rib 122 projects from the second side 54 of the elongated member corresponding to a second depression 120 in the first side 52 of the elongated member between the first and second ribs of the second set of ribs 88. As defined, the support structure of independent claim 1 allows for first and second objects to be supported on opposite sides of the support structure such that the objects vertically overlap, Fig. 14. As hereinafter described, none of the cited references shows or suggests the structure.

The Williams '189 patent discloses packaging material for fragile articles. The packaging material includes a sheet having a plurality of recesses formed on one side thereof. The sheet may be folded to define a generally rectangular cavity for housing a

plurality of clay pigeons. However, it is noted that nothing in the Williams '189 patent shows or suggests providing a support structure having objects receiving cradles on both sides thereof, as required in claim 1. Further, the applicant is perplexed by the Examiner's suggestion that Williams teaches "a second set of ribs (the adjacent column of projection 107)" as required by independent claim 1. As best seen in Fig. 2, the support structure in Williams includes a first side having a plurality of cradles 104 for receiving fragile articles therein. The second side has no cradles formed therein due to pockets 115 formed in the lower portions of the cradles formed in the first side of the packaging material. In addition, a support structure, as defined in independent claim 1, that includes cradles defined on both sides thereof is not even contemplated by the Williams '189 patent since the packaging material disclosed therein is intended to be used within a rectangular, open-ended carton. Since the Williams '189 patent does not disclose each and every element of independent claim 1 and since there is no suggestion to modify the reference to provide for the support structure of independent claim 1, Applicant believes that independent claim 1 defines over the cited reference and withdrawal of the Examiner's rejection of claim 1 as being anticipated by the '189 patent is respectfully requested.

The Emery '879 patent is directed to a molded pulp valve tray and package. As best seen in Figs. 3 and 4, the elongated objects supporting the valve tray are vertically offset. This is due to the fact that the depressions or recesses are not provided between each set of ribs support structure, as required by independent claim 1. Hence, the Emery '879 patent does not disclose each and every limitation as set forth in independent claim 1. As a result, it is believed that independent claim 1 clearly defines over the Emery '879 patent and withdrawal of the Examiner's rejection of claim 1 as being anticipated by the Emery '879 patent is respectfully requested.

Finally, Reifers '445 patent discloses an article carrier that is intended as a separator for six cylindrical containers. The article carrier disclosed in the Reifers '445 patent is not intended to support a load, and as such, the first and second ribs are not axially spaced from corresponding edges of the support member, as required by independent claim 1. In other words, claim 1 requires one of ribs 68 to be spaced from edge 56 and another of ribs 68 to be spaced from edge 58. Further, claim 1 requires one of ribs 88 to be spaced from edge 56 and one of the ribs 88 to be spaced from edge 58. This structure is not shown or contemplated by the '445 patent. In fact, in the '445 patent, the ribs communicate with the outer edges of the article carrier. Hence, the Reifers '445 patent does not disclose each and every limitation as set forth in independent claim 1. As a result, it is believed that independent claim 1 clearly defines over the Reifers '445 patent and withdrawal of the Examiner's rejection in claim 1 as being anticipated by the Reifers '445 patent is respectfully requested.

In view of the foregoing, it is believed that independent claim 1 clearly defines over the cited references. None of the cited references disclose each and every limitation of independent claim 1. Consequently, it is believed that independent claim 1 is in proper form for allowance and such action is earnestly solicited.

Claims 2 and 4-6 depend either directly or indirectly from independent claim 1 and further define a support structure not shown or suggested in the prior art. It is believed that claims 2 and 4-6 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Referring to Fig. 9, a support structure is provided for supporting an object. The support structure includes an elongated member 50 extending along a longitudinal axis 51 and has first and second sides 52 and 54, respectively, first and second edges 56 and 58, respectively, and first and second ends 60 and 62, respectively. The first side 52 of the elongated member has a first plurality of ribs 64 projecting therefrom that are spaced between the first and second ends 60 and 62, respectively, along a first axis 51a. Each of the first plurality of ribs 64 are laterally spaced from the first edge 56. A second plurality of ribs 65 project from the first side 52 and are spaced between the first and second ends 60 and 62, respectively, along a second axis 51b. Each of the second plurality of ribs 65 is laterally spaced from the second edge 58. A plurality of depressions 120 are formed in first side 52 and are spaced between the first and second ends 60 and 62, respectively, along a third axis 51 disposed between the first and second axis 51a and 51b, respectively. Each of the plurality of depressions 120 are between one of the first plurality of ribs 64 and one of the second plurality of ribs 65 and form a corresponding rib projecting from the second side 54 of the elongated member. The ribs project from the second side 54 of the elongated member and are spaced between the first and second ends 60 and 62, respectively, along the third axis 51. The ribs projecting from the second side 54 of the elongated member include a first rib 126 and a second rib 122. The first rib 126 and the second rib 122 defining a second side object receiving cradle 138 therebetween. The first plurality of ribs projecting from the first side 52 of the elongated member includes a first rib 68 and a second rib 88. The first rib 68 and the second rib 88 partially define a first object receiving cradle 132 therebetween. The first object receiving cradle 132 opens in a first direction and the second side object receiving cradle 138 opens in a second direction opposite to the first direction.

As heretofore described with respect to independent claim 1, none of the cited references shows or suggests a support structure having first and second cradles projecting from opposite sides thereof and being defined by corresponding ribs that are spaced from corresponding edges of the support member. Hence, since none of the cited references provide each and every limitation as set forth in independent claim 9, it is believed that independent claim 9 defines over such references. As a result, applicant respectfully requests withdrawal of the Examiner's rejection of claim 9 as being anticipated by the '189 patent, the '879 patent and the '445 patent.

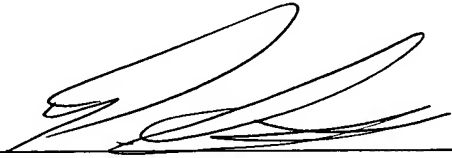
Claims 10 and 15 depend either directly or indirectly from independent claim 9 and further define a support structure not shown or suggested in the prior art. It is believed that claims 10 and 15 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Applicant believes that the present application with claims 1-2, 4-6, 9-10 and 15 is in proper form for allowance and such action is earnestly solicited.

U.S. Serial No. 10/085,343 – Jeffrey J. Gratz
Art Unit 3727 – Attorney Docket 273.018
Response to October 12, 2004 Office Action
Page 16

Applicant believes that no fees are due at this time. However, the Director is hereby authorized to charge payment of any additional fees associated with this or any other communication or credit any overpayment to Deposit Account No. 50-1170. The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

By 
Peter C. Stomma, Reg. No. 36,020

Boyle, Fredrickson, Newholm,
Stein & Gratz, S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, WI 53202
(414) 225-9755
Attorney Docket No. 273.018





FIG. 12

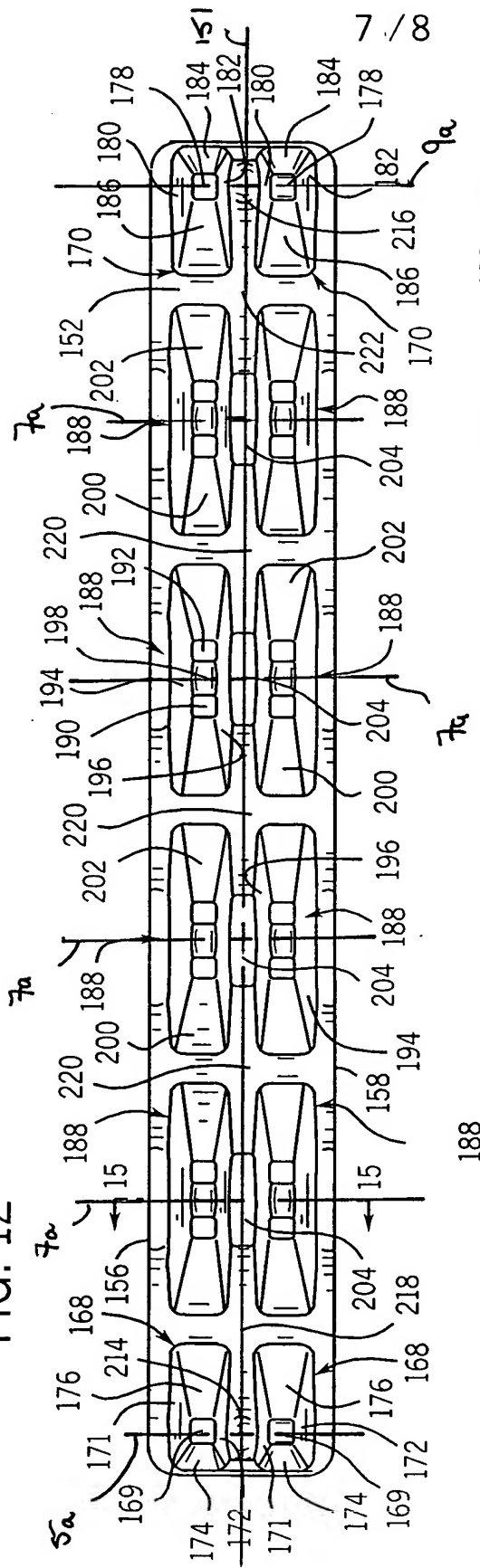


FIG. 15

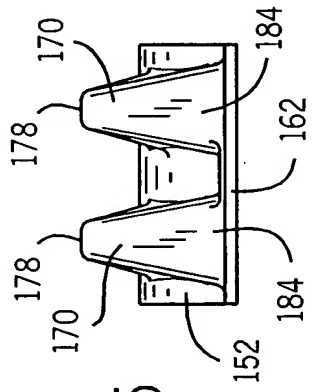


FIG. 16

